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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Kleinschmidt *et al.*

Application No.: 09/923,270

Group Art Unit: To be assigned

Filed: 3 August 2001

Examiner: To be assigned

For: **AAV-DNA COMPRISING HELPER  
VIRUS SEQUENCES**

Attorney Docket No.:  
8484-101-999

**PRELIMINARY AMENDMENT AND RESPONSE**  
**PURSUANT TO 37 C.F.R. § 1.111**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This preliminary amendment is filed in response to the Office Action dated March 6, 2001, which was issued in parent application Serial No. 09/676,223 (Paper No. 7). Consideration of the following amendments and remarks pursuant to 37 C.F.R. § 1.111 is respectfully requested.

Enclosed herewith as *Exhibit 1* is a Declaration of Prof. Dr. Med. Dr. h.c. mult. zur Hausen (the "zur Hausen Declaration") regarding the deposit of biological materials described in the instant application.